

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 10-41001

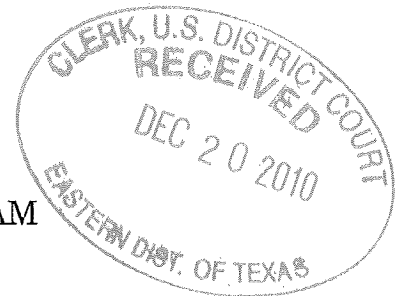
JAMES A. HOPSON,

Plaintiff - Appellant

v.

TDCJ-CID; NATHAN QUARTERMAN; JOHN RUPERT; PAM
KIRKPATRICK,

Defendants - Appellees



Appeal from the United States District Court for the
Eastern District of Texas
USDC No. 6:09-CV-506

Before JOLLY, HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:

This court must examine the basis of its jurisdiction, on its own motion if necessary. *Hill v. City of Seven Points*, 230 F.3d 167, 169 (5th Cir. 2000). In this Religious Freedom Restoration Act case, the district court dismissed four defendants, but left two defendants in the case. The plaintiff filed a notice of appeal from that order.

We have jurisdiction over appeals from final decisions of the district courts. 28 U.S.C. § 1291. Where an action involves multiple parties or claims, as in this case, an order dismissing some of the claims or defendants is final only if the district court has made an express determination that

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there is no just reason for delay and an express direction for the entry of judgment. *See* FED. R. CIV. P. 54(b). Here, the district court dismissed four of the defendants but left the claims against the remaining defendants pending. It did not enter the certification required by Rule 54(b). Thus, the notice of appeal filed before all claims and all parties were disposed of is premature. We are without jurisdiction over this appeal and it must be dismissed. *See Borne v. A&P Boat Rentals No. 4, Inc.*, 755 F.2d 1131, 1133 (5th Cir. 1985).

IT IS SO ORDERED.

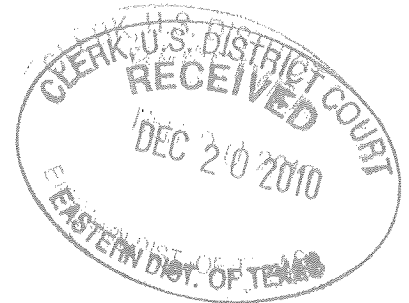
United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE
NEW ORLEANS, LA 70130

December 09, 2010

Mr. David Maland
U.S. District Court, Eastern District of Texas
211 W. Ferguson Street
Tyler, TX 75702




No. 10-41001, James Hopson v. TDCJ-CID, et al
USDC No. 6:09-CV-506

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

By: 
James deMontluzin, Deputy Clerk
504-310-7679

cc w/encl: Mr. James A. Hopson

Mandate Issued - MDT-1